BILL NO. 119

Government Bill

1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006

An Act to Amend Chapter 140 of the Revised Statutes, 1989, the Elections Act

CHAPTER 28
ACTS OF 2006

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 23, 2006

The Honourable Michael G. Baker, Q.C.
Government House Leader

Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly

2007-03024/

An Act to Amend Chapter 140 of the Revised Statutes, 1989, the Elections Act

Be it enacted by the Governor and Assembly as follows:

1 Subsection 28(1) of Chapter 140 of the Revised Statutes, 1989, the *Elections Act*, as amended by Chapter 43 of the Acts of 2001, is further amended by

(a) striking out "and" at the end of clause (b); and

(b) striking out clause (c) and substituting the following clauses:

(c) has been ordinarily resident within the meaning of Section 31 in the Province for the six months immediately preceding the date of the writ; and

(d) is ordinarily resident in the electoral district.

2 (1) Section 31C(1) of Chapter 140, as enacted by Chapter 17 of the Acts of 2005, is amended by

(a) adding "and independent candidate" **immediately after "party" in the third line; and**

(b) adding ", except for the information referred to in clauses 31B(10)(c) and (e)" **immediately after "list" in the last line.**

(2) Subsection 31C(2) of Chapter 140, as enacted by Chapter 17 of the Acts of 2005, is amended by adding "or independent candidate" **immediately after "party" in the third line.**

(3) Subsection 31C(3) of Chapter 140, as enacted by Chapter 17 of the Acts of 2005, is amended by adding "or independent candidate" **immediately after "party" in the first line.**

(4) Section 31C of Chapter 140, as enacted by Chapter 17 of the Acts of 2005, is further amended by adding immediately after subsection (3) the following subsection:

(4) In this Section, "independent candidate" means a person referred to in paragraph (B) of subclause (i) of clause (w) of Section 3.

3 Section 66 of Chapter 140 is amended by adding immediately after subsection (4) the following subsection:

(5) A nomination paper is only valid for one election period and, for greater certainty, a nomination paper is superseded and withdrawn if a by-election is superseded and withdrawn by a general election.

4 Section 72 of Chapter 140 is amended by

(a) striking out "or" at the end of clause (a); and

(b) adding immediately after clause (a) the following clause:

(aa) if a nomination paper is superseded and withdrawn pursuant to subsection (5) of Section 66, the Minister of Finance shall return the deposit to the candidate, the candidate's official agent or personal representative; or

5 Clause 92(e) of Chapter 140 is repealed and the following clauses substituted:

(e) the agent at large of a candidate if appointed under Section 94;

(ea) the official agent of a candidate if appointed under Section 94;

6 Subsection 100(1) of Chapter 140, as enacted by Chapter 43 of the Acts of 2001, is amended by striking out ", who cannot vote in person at the special poll, at the advance poll or on ordinary polling day," in the first, second and third lines.

7 Clause 140(1)(b) of Chapter 140 is repealed.

8 Subsection 144(2) of Chapter 140 is amended by adding "or at the returning office for the electoral district" **immediately after "held" in the third line.**

9 Subsection 147(2) of Chapter 140 is repealed.

10 Section 176 of Chapter 140 is repealed and the following Section substituted:

176 (1) Every advertisement relating to an election printed, broadcast, published or distributed, either electronically or in hard copy, or in any other manner determined by the Chief Electoral Officer, that promotes or opposes any candidate or recognized party shall bear the words "authorized by the official agent for [*name of candidate or recognized party*]" and shall indicate on whose behalf the advertisement was printed, broadcast, published or distributed.

(2) No person shall print, broadcast, publish or distribute an advertisement referred to in subsection (1) that does not comply with subsection (1).

11 Subsection 191(3) of Chapter 140 is amended by adding "or a chartered accountant" **immediately after "*Act*" in the second line.**

12 Clause 202(d) of Chapter 140 is amended by striking out "in person or by proxy" in the first line.

13 Notwithstanding Section 219 of the *Elections Act*, this Act comes into force on such day as the Governor in Council orders and declares by proclamation.